IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

Crl.MC.No. 2804 of 2007()

CRMP.2217/2007 of ADDL.SESSIONS COURT (ADHOC), ALAPPUZHA

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PETITIONER: ACCUSED

CHATHANKUNJU, AGED 65 YEARS,
S/O.CHATHAN, KALYATHARAYIL HOUSE,
CHERIYANAD MURI, CHERIYANADU VILLAGE, CHENGANNUR.

BY ADV. SRI.V.K.PRAVEEN

RESPONDENTS: STATE

STATE OF KERALA, REPRESENTED BY THE
EXCISE INSPECTOR, CHENGANNUR, THROUGH THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 07/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 2804 of 2007

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Dated this the 7th day of September, 2007

O R D E R

The petitioner has come to this Court with this petition under Section 482 Cr.P.C. aggrieved by the onerous condition imposed by the learned Sessions Judge at the time when bail was granted to him. The petitioner faces indictment in a prosecution for an offence punishable under the Kerala Abkari Act. The petitioner was granted bail subject to conditions, inter alia, that the petitioner must deposit an amount of Rs.25,000/-

2. The learned counsel for the petitioner submits that the petitioner is unable to afford to make that payment. In these circumstances the petitioner is compelled to remain in custody till the trial is over. A lenient view may be taken by this Court and the trauma of the petitioner continuing in custody for his inability to comply with the condition may be avoided, submits the counsel.

3. Notice was given. The prayer of the petitioner is not seriously opposed by the learned Prosecutor. I have gone through the order passed by the learned Sessions Judge. I am satisfied that the said condition can now be deleted.

4. T his Crl.M.C. is allowed. The condition imposed on the petitioner by the impugned order that he must deposit an amount of Rs.25,000/- shall stand deleted. All other conditions shall remain.

5. Hand over copy of the order. The Registry shall return the original order in M.P. 2217 of 2007 produced along with this Crl.M.C.

(R. BASANT)
Judge

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